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ON

June 18, 2007

Pamela A. Campbell

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant: Robbiati et al. ) Group Art Unit: 3782  
)  
Application No.: 10/603,028 ) Examiner: Pascua, Jes F.  
)  
Filed: June 24, 2003 ) Attorney Docket No.: D-43515-01

For: PACKAGING BAG, AND METHOD OF AND APPARATUS FOR  
MANUFACTURING THE SAME

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APPEAL BRIEF UNDER 37 C.F.R. §41.37

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The instant Brief is being filed pursuant to the Notice of Appeal received by the U.S. Patent and Trademark Office on January 16, 2007, in which Appellants appeal from the rejection of claims 1 and 3-10 in the Official Action dated July 17, 2006.

The two-month period for the filing of the Brief is extended 3 months, i.e., up to and including June 16, 2007, by the instant request for a 3-month extension of time. Because June 16, 2007 falls on a Saturday, the date for response automatically rolls to Monday, June 18, 2007.

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Please charge Deposit Account No. 07-1765 in the amount of \$500.00 for the filing of the instant Brief, along with the \$1,020.00 fee for the three (3) month extension of time. The Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment to Deposit Account No. 07-1765.

Respectfully submitted,

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I. Real Party in Interest

The real party in interest is Cryovac, Inc., assignee of the inventors' entire interests. The assignment was recorded in the U.S. Patent and Trademark Office on June 24, 2003, at Reel 014238, Frame 0374.

II. Related Appeals and Interferences

There are no appeals or interferences known to Appellants, Appellants' legal representatives, or Assignee that will directly affect, be affected by, or have a bearing on the Board's decision in the pending appeal.

III. Status of Claims

Claims 1-22 were filed with the subject application.

In response to the December 8, 2005 Restriction Requirement, claims 11-22 were withdrawn from consideration by Appellants.

Claim 2 was cancelled by Appellants in an Amendment filed January 16, 2007.

Accordingly, claims 1 and 3-10 are currently pending in the subject application, and are the focus of the instant Appeal.

IV. Status of Amendments

An Amendment after Final Rejection was filed on January 16, 2007. An Advisory Action mailed January 31, 2007 indicated that the amendments were entered.

V. Summary of the Claimed Subject Matter

In the manufacture of transverse-sealed or side-sealed plastic packaging bags, problems frequently arise wherein the mouth edge of the bag can tend to curl during the manufacturing process. The problem is particularly noticeable when producing bags from a shrink film due to the application of heat to achieve the transverse or side seal between contiguous bags in a stream being produced. What is disclosed, therefore, is a novel packaging bag that is resistant to the curling experienced with prior art bags.

The presently disclosed subject matter is directed to a transverse-sealed or side-sealed bag of plastics film. Claim 1, the only independent claim on appeal, is directed to a packaging bag 1 comprising opposed first 2 and second 3 film plies joined at a closed end 1a of the bag 1 and sealed along lateral edges of the bag [Page 1, line 22, through page 2, line 1; page 4, lines 1-5; Figure 1]. In the bag 1, the plies 2 and 3 define an open mouth end having a first edge 6 of the first ply and a second edge 7 of the second ply that projects beyond the first edge 6 of the first ply 2 and comprises a folded over film portion 7 to exhibit double thickness at the exposed end of the second ply 3 [Page 1, line 22, through page 2, line 1; Page 4, lines 6-11; Figure 1]. The margin of the folded over portion 7 of the second ply 3 is disposed adjacent to the edge 6 of the first ply 2 so that there is essentially a zero space between the first edge 6 of the first ply 2 and the second edge of the second ply 3, so as to provide a substantially constant thickness of the bag across the mouth and projecting portion [Page 1, line 22, through page 2, line 1; page 4, lines 11-29; Figure 1]. The length of the folded over film portion is less than 5% of the total length of the bag 1 [page 10, lines 5-8].

Thus, in the presently disclosed packaging bag, the production of a mouth end involves forming a cut in one of the two flat plies in the flattened tubular film in proximity to the second fold in order to separate the first main ply from the co-planar folded-over part of the film margin at the fold. As a result, at the mouth end, the folded end of the second main ply exhibits a double thickness of the film in one wall that projects beyond the end of the first main ply, thereby allowing

easier pneumatic inflation of the bag mouth in order to open the bag for loading purposes. In addition, the improved packaging bag provides for the resisting of wrinkling in that the increase in thickness of the end of the panel at the folded end of the second ply helps to resist the tendency, which the bag would otherwise have, to curl.

VI. Grounds of Rejection to be Reviewed on Appeal

The grounds of rejection for review are:

- (1) The rejection of claims 1 and 3-10 on the grounds of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1 and 5 of U.S. Patent No. 6,260,705 to Montepiani et al. (hereinafter referred to as "the '705 Patent") in view of U.S. Patent No. 4,290,467 to Schmidt (hereinafter referred to as "the '467 Patent").
- (2) The rejection of claims 1 and 7 under 35 U.S.C. §102(b) as allegedly being anticipated by the '467 Patent.
- (3) The rejection of claims 1 and 3-10 under 35 U.S.C. §103(a) as allegedly being unpatentable over the '705 Patent in view of the '467 Patent.
- (4) The rejection of claims 2-6 under 35 U.S.C. §103(a) as allegedly being unpatentable over the '467 Patent.

VII. Arguments

A. Response to the Nonstatutory Obviousness-type Double Patenting

Rejection of Claims 1 and 3-10

i. Independent Claim 1

Independent claim 1 presently stands rejected on the grounds of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1 and 5 of the '705 Patent in view of the '467 Patent. Particularly, the U.S. Patent and Trademark Office Examiner (hereinafter referred to as "the Examiner") asserts that the '705 Patent teaches each and every element of independent claim 1, except that the bag mouth is located at the bottom of the bag instead of between the edge of one ply and another edge of a folded over film. However, the Examiner asserts that the '467 Patent teaches a bag having an open mouth between the edge of one ply and another edge of a folded over film portion in accordance with independent claim 1.

Initially, Appellants submit that in order to address a nonstatutory obviousness-type double patenting rejection, the guidelines used for the analysis of a 35 U.S.C. §103(a) obviousness determination are proper. According to the Manual of Patent Examining Procedure (hereinafter referred to as "the M.P.E.P.":

A double patenting rejection of the obviousness-type, if not based on an anticipation rationale, is "analogous to [a failure to meet] the nonobviousness requirement of 35 U.S.C. 103" except that the patent principally underlying the double patenting rejection is not considered prior art. *In re Braithwaite*, 379 F.2d 594, 154 USPQ 29 (CCPA 1967). Therefore, the analysis employed in an obviousness-type double patenting rejection parallels the guidelines for analysis of a 35 U.S.C. 103 obviousness determination. *In re Braat*, 937 F.2d 589, 19 USPQ2d 1289 (Fed. Cir. 1991); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985).

Thus, in order to establish a *prima facie* case of nonstatutory obviousness-type double patenting, three basic criteria must be met. According to the M.P.E.P.:

First, there must be some suggestion or motivation...to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

M.P.E.P. §2142.

Further, in Hodosh v. Block Drug Co., 786 F.2d 1136 (Fed. Cir. 1986), the U.S. Court of Appeals for the Federal Circuit set forth what are described as the "tenets of patent law that must be adhered to when applying §103", *Id.* At 1143, n.5. The tenets set out in Hodosh are:

- a) the claimed invention must be considered as a whole;
- b) the references must be considered as a whole and suggest the desirability and thus obviousness of making the combination;
- c) the references must be reviewed without benefit of hindsight vision afforded by the claimed invention; and
- d) "ought to be tried" is not the standard with which obviousness is determined.

The teachings of the '705 Patent as contended by the Examiner are discussed hereinabove. Particularly, the Examiner asserts that the '705 Patent teaches each and every element of independent claim 1, except that the bag mouth is located at the bottom of the bag instead of between the edge of one ply and another edge of a folded over film. These defects are allegedly cured by the '467 Patent.

In response, Appellants initially submit that the term "mouth" as used in the subject application and independent claim 1 refers to the portion of a bag

wherein a product or article is introduced into the open bag. Appellants particularly point to page 3, lines 11-16 of the subject application, which recites:

A fourth aspect of the invention provides a method of packaging, comprising taking a bag...and pneumatically inflating the mouth of said bag to separate the edge of said shorter first ply from said projecting edge of the second ply to initiate opening of the bag, and subsequently holding the bag open and introducing a product article into a respective said open bag.

Appellants further point to page 4, lines 6-21 of the subject application, which recites:

The mouth of the bag is at the end opposite the closed end 1a and is formed by a singly folded over portion 7 of the second main panel 3 and a acute edge 6 of the first main panel 2...As a result, at the mouth end the folded end of the second main ply exhibits a double thickness of the film in one wall which projects beyond the end 6 of the first main ply (other wall), thereby (i) allowing easier pneumatic inflation of the bag mouth in order to open the bag 1 for loading purposes...

Accordingly, as used in the subject application and independent claim 1, the term "mouth" refers to the portion of a bag that is opened to introduce the desired bag contents into the bag.

In the final Official Action mailed July 17, 2006, the Examiner particularly points to Figure 9 of the '467 Patent as allegedly teaching a bag containing an open mouth between the edge of one ply and another edge of a folded over film portion. (See, final Official Action, page 3). Upon review of the '467 Patent and Figure 9, Appellants respectfully submit that the Examiner appears to have mischaracterized the art. Specifically, the Examiner appears to assert that the open area between 25' and 21' of Figure 9 embodies the mouth portion of the bag. Appellants respectfully disagree. Rather, Appellants submit that the separable closure profiles 17' and 18' constitute the mouth portion of the bag

disclosed in Figure 9 of the '467 Patent. Particularly, Appellants point to column 6, lines 11-19 of the '467 Patent (emphasis added):

If preferred, the bag blank strips may be fashioned as best seen in FIGS. 8 and 9 from a unitary extruded single flat strip 60, on which the separable closure profiles 17' and 18' for the bag and the reinforcing rib closure profiles 33' and 34' are allocated on one face of the extruded blank strip 60 and properly aligned so that when the flat extrusion is folded along a line 61, the profiles 17' and 18' will match and close the bag pouch area.

Accordingly, Appellants respectfully submit that the separable closure profiles 17' and 18' define the mouth portion of the bag disclosed in the '467 Patent, by which 17' and 18' can match and close the bag.

Continuing, the separable closure profiles 17 and 18 are further defined at column 3, lines 16-20 of the '467 Patent (emphasis added): "Complementary separable fastener profiles 17 and 18 on the walls 13 and 14, respectively, are disposed across an openable top of the bag and are adapted to be separated from a closed condition into an opened condition." Accordingly, Appellants respectfully submit that separable fastener profiles 17' and 18' of Figure 9 define the open mouth portion of the disclosed bag. Appellants further submit that the separable fastener profiles 17' and 18' are not located between the edge of one ply and another edge of a folded over film portion, as currently recited in independent claim 1 of the subject application.

The Examiner appears to assert that the area between 25' and 21' of Figure 9 is the mouth portion of the bag. However, upon review of the '467 Patent, the open area between 25' and 21' of Figure 9 embodies a means by which to open the mouth portion of the bag. Particularly, to open the bag of Figure 9, a user would pull flange 19' (having reinforced bead 25' to facilitate pulling) in order to open closures 17' and 18'. At column 3, lines 20-32, the '467 Patent recites:

To facilitate opening, a fastener-opening front pull flange 19 extends up from the fastener profile 17 and cooperatively a fastener opening rear pull flange 20,

substantially longer than the front pull flange 19 extends up from the fastener profile 19. A panel 21 on the front of the rear pull flange 20 provides therewith a plural thickness header 22 for the bag. The panel 21 has its opposite sides 23 secured to the rear pull flange 20, and a lower edge 24 of the panel 21 is located adjacent to, but preferable free from the front pull flange 19. Desirably, the front pull flange has at or adjacent to and along its upper edge, a narrow reinforcing bead 25 to facilitate gripping the pull flange 19.

Accordingly, Appellants respectfully submit that the area that the Examiner appears to assert is the mouth portion of the bag of Figure 9 actually embodies a pull region (19') that functions to open the mouth portion (17', 18') of the bag. Thus, the '467 Patent appears to at best teach a bag comprising separable fastener profiles 17' and 18' on the walls across an openable top with a fastener-opening front pull flange. Accordingly, Appellants submit that contrary to the Examiner's assertions, the '467 Patent does not teach a bag comprising an open mouth between the edge of one ply and another edge of a folded over film portion in accordance with independent claim 1.

In addition, Appellants assert that independent claim 1 recites, *inter alia*, a packaging bag wherein the length of the folded over film portion is less than 5% of the total length of the bag. Appellants respectfully submit that the '467 Patent appears to teach away from such an embodiment. To elaborate, the '467 Patent is directed to reclosable hang-up merchandise display bags that are adapted to support contents of substantial weight. See, for example, column 1, lines 5-9 of the '467 Patent. Particularly, a header is located at the top portion of the bags disclosed in the '467 Patent. The header reinforces a rib structure 28 that stiffens the header area against sagging under the weight of the package contents when the bag is hung on a hanger. At column 5, lines 36-45, the '467 Patent recites:

As best seen in FIG. 7, after the bag sections have been completed, the relationship of the fastener profiles 17 and 18 and the rib profiles 33 and 34 is such that although the fastener provided by the

profiles 17 and 18 can be opened reasonably easily, the rib fastener provided by the profiles 33 and 34 is very difficult to open and will therefore fairly securely resist separation. This is desirable because the principal function of the rib 28 is for manufacturing guidance and ultimately hang-up reinforcement and/or top closure for the pocket 29.

Thus, Appellants submit that the intended function of the upper portion of the bag of Figure 9, comprising profiles 33' and 34' and rib 28' is to reinforce the bag and to provide support for heavy bag contents. Applicants submit that a further function of the rib 28 is to resist separation. Accordingly, if the bag of the '467 Patent were equipped with an open mouth comprising a folded over portion that was less than 5% of the total length of the bag as recited in independent claim 1 of the subject application, it appears that the support function of the upper portion of the bag of the '467 Patent would indeed be compromised.

Continuing, the Examiner asserts that it would have been an obvious matter of design choice at the time the invention was made to make the length of the folded over film portion whatever dimension was desired, since such a modification would have involved a mere change in the size of a component. Notwithstanding Appellants' assertion that the '467 Patent does not teach a mouth portion in accordance with independent claim 1 of the subject application, Appellants respectfully disagree with the Examiner's assertion.

As indicated hereinabove, supplying a mouth portion wherein the length of the folded over film portion is less than 5% of the total length of the bag would not be an obvious design choice in the '467 Patent. Particularly, one of the stated goals of the '467 Patent is to provide a bag able to withstand heavy package contents. If the mouth portion of the bag were relocated within the upper 5% portion of the bag, the bag's reinforcing rib closure profile function would be compromised. Further, Appellants respectfully submit that it would not be obvious to relocate the mouth portion of the bag disclosed in the '467 Patent to the bottom 5% of the bag, thereby rendering the function of the bag unusable. Rather, Appellants respectfully submit that the only possible source for such a

modification of the '467 Patent is Appellant's disclosure. As noted above, such a modification is an improper foundation upon which a *prima facie* case of obviousness-type double patenting can be based.

For all of the foregoing reasons, Appellants respectfully submit that the combination of references does not teach each and every element of independent claim 1. Thus, the instant nonstatutory obviousness-type double patenting rejection of independent claim 1 as allegedly being unpatentable over claims 1 and 5 of the '705 Patent in view of the '467 Patent is believed to have been addressed.

As such, Appellants respectfully request that the instant rejection be reversed at this time. A Notice of Allowance is also respectfully requested.

ii. **Dependent Claims 3-10**

The Examiner has rejected claims 3-10 on the grounds of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1 and 5 of the '705 Patent in view of the '467 Patent. Claims 3-10 ultimately depend from independent claim 1. Independent claim 1 is believed to be patentably distinguished over the cited combination of references for the reasons set forth hereinabove. Accordingly, dependent claims 3-10 are also believed to be patentably distinguished over the cited combination in view of their dependency from independent claim 1.

Hence, Appellants respectfully request that the instant rejection of claims 3-10 on the grounds of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1 and 5 of the '705 Patent in view of the '467 Patent be withdrawn at this time. A Notice of Allowance is also respectfully requested.

**B. **Response to the 35 U.S.C. §102(b) Rejection of Claims 1 and 7 in view of the '467 Patent****

**i. **Independent Claim 1****

The Examiner has rejected independent claim 1 under 35 U.S.C. §102(b) as allegedly being anticipated by the '467 Patent.

After careful review of the instant rejection and the Examiner's basis therefore, Appellants respectfully traverse the rejection and submit the following remarks.

Preliminarily, Appellants note that it is well settled that for a cited reference to qualify as prior art under 35 U.S.C. §102, each element of the claimed subject matter must be disclosed within the reference. "It is axiomatic that for prior art to anticipate under 102 it has to meet every element of the claimed invention." Hybritech, Inc. v. Monoclonal Antibodies, Inc., 802 F.2d 1367, 231 U.S.P.Q. 81 (Fed. Cir. 1986). Thus, Appellants respectfully submit that in order to be an anticipation reference under 35 U.S.C. §102, a reference must disclose each and every element of the claimed subject matter.

As set forth in detail hereinabove with regard to the response to the obviousness-type double patenting rejection, Appellants respectfully submit that the '467 Patent does not teach each and every element of independent claim 1. To elaborate, Appellants respectfully submit that the '467 Patent does not teach or suggest a bag comprising an open mouth between the edge of one ply and another edge of a folded over film portion in accordance with independent claim 1. In addition, Appellants assert that the '467 Patent does not teach or suggest a packaging bag wherein the length of the folded over film portion is less than 5% of the total length of the bag. In fact, Appellants respectfully submit that the '467 Patent teaches away from such an embodiment.

For all of the foregoing reasons, Appellants respectfully submit that the '467 Patent does not teach each and every element of independent claim 1. Accordingly, the instant 35 U.S.C. §102(b) rejection of independent claim 1 as allegedly being unpatentable over the '467 Patent is believed to have been addressed.

As such, Appellants respectfully request that the instant rejection be withdrawn at this time. A Notice of Allowance is also respectfully requested.

ii. Dependent Claim 7

The Examiner has rejected claim 7 under 35 U.S.C. §102(b) as allegedly being anticipated by the '467 Patent. Claim 7 ultimately depends from

independent claim 1. Claim 1 is believed to be patentably distinguished over the '467 Patent for the reasons set forth in detail hereinabove. Accordingly, claim 7 is also believed to be patentably distinguished over the '467 Patent in view of its dependency from independent claim 1.

Thus, appellants respectfully submit that the instant 35 U.S.C. §102(b) rejection of claim 7 as allegedly being anticipated by the '467 Patent has been addressed. Accordingly, appellants respectfully request that the Examiner's rejection of claim 7 be reversed at this time. A Notice of Allowance is also respectfully requested.

C. Response to the 35 U.S.C. §103(a) Rejection of Claims 1 and 3-10 over the '705 Patent and the '467 Patent

i. Independent Claim 1

Independent claim 1 stands rejected under 35 U.S.C. §103(a) as allegedly being obvious over the '705 Patent in view of the '467 Patent. Particularly, the Examiner asserts that the '705 Patent discloses each and every element of independent claim 1, except a device comprising an open mouth at the bottom of the bag instead of between the edge of one ply and another edge of a folded over film portion. However, the Examiner asserts that these defects are cured by the '467 Patent which allegedly teaches an open mouth between the edge of one ply and another edge of a folded over film portion.

As set forth in detail hereinabove with regard to the response to the obviousness-type double patenting rejection, Appellants respectfully submit that the cited combination of references does not teach each and every element of independent claim 1. To elaborate, contrary to the assertions of the Examiner, Appellants respectfully submit that neither the '705 Patent nor the '467 Patent (either alone or in combination) teaches or suggests a bag comprising an open mouth between the edge of one ply and another edge of a folded over film portion in accordance with independent claim 1 of the subject application. In addition, Appellants assert that neither the '705 Patent nor the '467 Patent teach or suggest a bag wherein the length of the folded over film portion is less than

5% of the total length of the bag. Appellants respectfully submit that the '467 Patent in fact teaches away from such an embodiment.

For all of the foregoing reasons, Appellants respectfully submit that the combination of the '705 Patent in view of the '467 Patent does not teach each and every element of independent claim 1. Accordingly, the instant 35 U.S.C. §103(a) rejection of independent claim 1 as allegedly being unpatentable over the '705 Patent in view of the '467 Patent is believed to have been addressed. Thus, appellants respectfully request that the Examiner's rejection of claim 1 be reversed at this time. A Notice of Allowance is also respectfully requested

ii      Dependent Claims 3-10

The Examiner has rejected dependent claims 3-10 under 35 U.S.C. §103(a) as allegedly being unpatentable over the '705 Patent in view of the '467 Patent. Claims 3-10 ultimately depend from independent claim 1. The 35 U.S.C. §103(a) rejection of independent claim 1 over the '704 Patent in view of the '467 Patent is believed to have been addressed for the reasons set forth hereinabove. Accordingly, claims 3-10 are also believed to be patentably distinguished over the cited combination in view of their dependency from claim 1.

Hence, Appellants respectfully request that the instant rejection of claims 3-10 under 35 U.S.C. §103(a) as allegedly being unpatentable in view of the '704 Patent in view of the '467 Patent be withdrawn at this time. A Notice of Allowance is also respectfully requested.

D.      Response to the 35 U.S.C. §103(a) Rejection of claims 2-6 over the '467 Patent

In the final Official Action dated July 17, 2006, on page 6, second paragraph, the Examiner states that "Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt." However, the following sentence begins: "Membrino disclose...". In an effort to clarify upon which reference the instant rejection was based, Priscilla Ashley Darden (attorney for Appellants) spoke with the Examiner via telephone on Thursday, June 14, 2007. The Examiner indicated that the instant rejection was based on Schmidt (the '467

Patent), and that the mention of the Membrino reference was due to an error in the Official Action.

Thus, the Examiner asserts that the '467 Patent discloses the subject invention except for the claimed length of the folded over film portion. The Examiner asserts that it would have been an obvious matter of design choice at the time the invention was made to make the length of the folded over film portion in the '467 Patent whatever dimension was desired, since such a modification would have involved a mere change in the size of a component.

i. Claims 2-6

Appellants respectfully submit that claims 2-6 depend from independent claim 1 and include all of the limitations set forth therein. Independent claim 1 is therefore broader than claims 2-6, which depend therefrom. Accordingly, Appellants respectfully submit that because independent claim 1 (*i.e.*, a broader claim) has not been rejected, the instant rejection of claims 2-6 is believed to be improper.

To elaborate, claims 2-6 depend from independent claim 1. As set forth in detail hereinabove, the '467 Patent does not teach each and every element of independent claim 1. Particularly, Appellants respectfully submit that the '467 Patent does not teach or suggest a bag comprising an open mouth between the edge of one ply and another edge of a folded over film portion in accordance with independent claim 1. In addition, Appellants assert that the '467 Patent does not teach or suggest a packaging bag comprising an open mouth end having a first edge of a first ply and a second edge of a second ply and comprises a folded over portion to exhibit double thickness at the exposed end of the second ply, wherein the length of the folded over film portion is less than 5% of the total length of the bag. Rather, Appellants respectfully submit that the '467 Patent teaches away from such an embodiment.

For the foregoing reasons, Appellants respectfully submit that the instant 35 U.S.C. 103(a) rejection of claims 2-6 has been addressed. Accordingly, Appellants respectfully request that the Examiner's rejections of claims 2-6 be reversed, and a Notice of Allowance issued at this time.

VIII. Claims Appendix

1. A packaging bag comprising opposed first and second film plies joined at a closed end of the bag and sealed along lateral edges of the bag, said plies defining an open mouth end having a first edge of the first ply and a second edge of the second ply which projects beyond the first edge of the first ply and comprises a folded over film portion to exhibit double thickness at the exposed end of the second ply, wherein the margin of the folded over portion of the second ply is disposed adjacent to the edge of the first ply so that there is essentially a zero space between the first edge of the first ply and the second edge of the second ply, so as to provide a substantially constant thickness of the bag across the mouth and projecting portion, wherein the length of the folded over film portion is less than 5% of the total length of the bag.
3. The packaging bag according to claim 1, wherein the length of the folded over film portion is less than 3% of the total length of the bag.
4. The packaging bag according to claim 1, wherein the length of the folded over film portion is less than 1 cm.
5. The packaging bag according to claim 1, wherein the length of the folded over film portion is less than 8 cm.
6. The packaging bag according to claim 1, wherein the length of the folded over portion is less than 0.5 cm.
7. The packaging bag according to claim 1 wherein the two plies are joined at a fold line defining the closed end.

8. The packaging bag according to claim 1, including at the closed end of the bag a first seal line joining the first and second plies and further seal lines extending from the closed bottom of the bag and converging toward one another in a direction towards the further seal line.
9. The packaging bag according to claim 8, wherein said further seal lines meet at said first seal line.
10. A continuous strip of transverse-sealed packaging bags that can be easily separated one from the other, wherein the transverse-sealed bags are in accordance with claim 1.

IX. Evidence Appendix

None.

X. Related Proceedings Appendix

None.